

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK**

Index No.: _____/19

JOHN DOE,

**Plaintiffs designate
NEW YORK COUNTY
as place of trial.**

Plaintiff,

**The basis of venue is
Defendant's principal
place of business**

-against -

ARCHDIOCESE OF NEW YORK,

SUMMONS

Defendant.

**Plaintiff resides in
Hartford County in
Connecticut.**

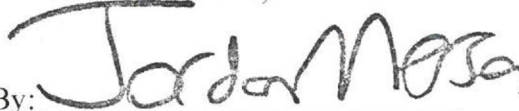
To the above-named Defendant:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorneys within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case your failure to appear or answer, judgement will be taken for the relief demanded herein.

**A COPY OF THIS SUMMONS WAS FILED WITH THE CLERK OF THE COURT,
NEW YORK COUNTY ON _____ IN COMPLIANCE WITH CPLR §§305(a) AND
306(a).**

Dated: New York, New York
August 14, 2019

MERSON LAW, PLLC

By: 

Jordan K. Merson
Attorneys for Plaintiff
150 East 58th Street 34th Floor
New York, New York 10155
(212) 603-9100

TO:

ARCHDIOCESE OF NEW YORK

1011 1st Avenue

New York, NY 10022

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK**

Index No.: _____/19

-----X

JOHN DOE,**Plaintiff,****-against -****VERIFIED
COMPLAINT****ARCHDIOCESE OF NEW YORK,****Defendant.**

-----X

Plaintiff,¹ above named, complaining of the defendants, by **MERSON LAW,****PLLC.,** respectfully allege(s):**NATURE OF THE CLAIM**

1. This is a case of plaintiff John Doe who was sexually abused as a child by Father Francis ("Francis") at and of Our Lady of the Rosary and Archdiocese of New York ("Archdiocese").
2. Francis was a priest at Our Lady of the Rosary in New York, New York which was part of the Archdiocese. Francis was known among the community and the children as a sexual predator.
3. Despite the Archdiocese's knowledge that Francis sexually abused children and/or had the propensity to sexually abuse children, the Archdiocese allowed Francis unfettered access to children.

¹ Plaintiff uses a pseudonym because he is a victim of a sex crime pursuant to N.Y. Civ. Rights § 50-b and other statutory and common law principles. Plaintiff's counsel will disclose plaintiff's identity when contacted by defendant.

4. Beginning in or about 1975 and continuing until approximately 1976, Francis, while under the scope of employment with the Archdiocese and while acting on behalf of the Archdiocese, would sexually abuse John Doe, then 11 years old. Francis would take John Doe to a separate room, fondle his penis and insert his finger into John Doe while performing oral sex on him. He sexually abused John Doe approximately three separate times throughout the year.
5. John Doe brings this lawsuit to recover for the emotional and physical suffering he endured because of the negligence of the Archdiocese of New York and to make sure no other child is forced to suffer the abuse and physical and mental trauma he felt and continues to feel.
6. John Doe additionally brings this lawsuit to recover for the emotional and physical suffering he endured due to the predatory, intentional and unlawful sexual actions of Father Francis directed at him and make sure no other child is forced to suffer the abuse and physical and mental trauma he felt and continues to feel.

PARTIES

7. At all times herein mentioned defendant **ARCHDIOCESE OF NEW YORK** was a not for profit corporation incorporated in the state of New York and by virtue of the laws of the State of New York.
8. At all times herein mentioned, defendant **ARCHDIOCESE OF NEW YORK** was located at 1011 1st Avenue, New York, New York 10022.
9. At all times herein mentioned, Francis was a priest operating under the direction and control of defendant **ARCHDIOCESE OF NEW YORK**, and its agents, servants and/or employees.

10. At all times herein mentioned, Francis was an agent, servant and/or employee of defendant **ARCHDIOCESE OF NEW YORK**.

FACTS OF THE CASE

11. Defendant **ARCHDIOCESE OF NEW YORK**'s negligence and recklessness caused defendant Father Francis to have access to young men despite their knowledge that Father Francis sexually abused children and/or had the propensity to sexually abuse children, including on Diocese premises and therefore are responsible for the injuries that Plaintiff incurred because but for Defendant **ARCHDIOCESE OF NEW YORK** negligence, Plaintiff would not have suffered the mental and physical anguish inflicted by Father Francis. Defendant's gross negligence, reckless, wanton and/or willful conduct supports punitive liability.
12. Father Francis sexually assaulted John Doe and many other young children and patrons of Our Lady of The Rosary in New York, New York. Nonetheless, defendant **ARCHDIOCESE OF NEW YORK** failed to remove Francis for his position as a priest or to take any steps to keep the dangerous predator away from children. In fact, the Archdiocese continued to allow, encourage and/or permit Francis to have unfettered access to children, and the Diocese failed to adequately supervise Francis.
13. In approximately 1975 and continuing through approximately 1976, Francis would sexually abuse John Doe at Our Lady of the Rosary Church, where John Doe was then an altar boy.
14. When John Doe was approximately eleven years old, Francis would take him to a back room in the Church, where, on approximately three separate occasions, he sexually abused John Doe. In the back room, Francis would massage and fondle John Doe's penis. Francis

would then then take off John Doe's pants and perform oral sex on John Doe while digitally penetrating him.

15. Father Francis told John Doe that if he told anyone about the sexual abuse, that John Doe would go to hell.
16. Francis was able to gain access to John Doe using his position of authority as a priest as provided by the Archdiocese to gain the trust of John Doe and other children and their families.
17. Francis manipulated John Doe to not disclose his predatory behavior by using his position of authority as a priest as provided by the Archdiocese.
18. As a result of the actions of defendant Father Francis, John Doe felt and continues to feel ashamed, embarrassed, humiliated and uncomfortable.
19. As such, Plaintiff suffered catastrophic and lifelong injuries as a result of defendant **ARCHDIOCESE OF NEW YORK's** negligence in undertaking a duty, including but not limited to in locis parentis, in failing to protect the children of its parishes and of failing to keep its community safe from defendant Father Francis despite the Archdiocese having knowledge that Francis sexually abused children and/or had the propensity to sexually abuse children, and/or allowing Francis to continue to have his position of authority and power.

AS AND FOR A FIRST CAUSE OF ACTION FOR NEGLIGENCE

AS FOR ARCHDIOCESE OF NEW YORK

20. Plaintiffs repeat, reiterate and reallege each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 19. inclusive, with the same force and effect as if hereinafter set forth at length.

21. At all times mentioned herein, defendant **ARCHDIOCESE OF NEW YORK** owed a duty of care, including but not limited to in locis parentis, to keep the young children and patrons of its parishes safe, including but not limited to plaintiff, from sexual abuse by its clergymen under its supervision and control, including on company premises, that ultimately befell the plaintiff, and they had a duty to supervise Father Francis.
22. At all times mentioned herein, defendant **ARCHDIOCESE OF NEW YORK** and/or its agents, servants and/or employees breached the above-stated duty in a negligent, reckless, willful and wanton manner, and caused Plaintiff to be sexually assaulted.
23. As a result of the negligence of defendant **ARCHDIOCESE OF NEW YORK** and/or its agents, servants and/or employees, plaintiffs were caused serious personal injuries, emotional distress, mental pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.
24. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
25. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
26. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
27. This action falls within exceptions to Article 16 of the C.P.L.R.

**AS AND FOR A SECOND CAUSE OF ACTION FOR NEGLIGENT HIRING,
RETENTION AND SUPERVISION AS TO ARCHDIOCESE OF NEW YORK**

28. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 27., inclusive, with the same force and effect as if hereinafter set forth at length.
29. Defendant **ARCHDIOCESE OF NEW YORK**, had a duty to supervise and prevent known risks of harm to the young children and patrons of its parishes by its clergymen.
30. Defendant was negligent in hiring, retaining and supervising their personnel, such as defendant Father Francis, who were careless, unskillful, negligent, reckless and acted in a willful and wanton manner in not possessing the requisite knowledge and skill of priests and church officials and other troop supervisors who should have properly been supervising the priests and church officials to ensure the safety of the children of its parishes.
31. Defendant **ARCHDIOCESE OF NEW YORK** knew or should have known defendant Father Francis sexually abused and/or had the propensity to sexually abuse children and did nothing to stop it.
32. As a result of such negligent hiring, supervising and retention, Plaintiff was caused to suffer serious personal injuries, emotional distress, conscious pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.
33. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
34. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.

35. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.

36. This action falls within exceptions to Article 16 of the C.P.L.R.

**AS AND FOR THE THIRD CAUSE OF ACTION FOR NEGLIGENT INFLECTION OF
EMOTIONAL DISTRESS AS TO ARCHDIOCESE OF NEW YORK**

37. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 36., inclusive, with the same force and effect as if herein set forth at length.

38. Defendant **ARCHDIOCESE OF NEW YORK** and their agents, servants and/or employees, knew or reasonably should have known that the failure to properly advise, supervise and hire defendant Father Francis, the priest who sexually abused Plaintiff, would and did proximately result in physical and emotional distress to Plaintiff.

39. Defendant **ARCHDIOCESE OF NEW YORK** and their agents, servants and/or employees knew or reasonably should have known that the sexual abuse and other improper conduct would and did proximately result in physical and emotional distress to Plaintiff.

40. Defendant has the power, ability, authority and duty to intervene with and/or stop the improper conduct that resulted in Plaintiff being sexually abused by defendant Father Francis.

41. Despite said knowledge, power and duty, defendant negligently failed to act so as to stop, prevent, and prohibit the improper conduct that resulted in defendant Father Francis sexually abusing Plaintiff.

42. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
43. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
44. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
45. This action falls within exceptions to Article 16 of the C.P.L.R.

WHEREFORE, plaintiff demands judgement against defendant in such sum as a jury would find fair, adequate and just.

Dated: New York, New York
August 14, 2019

MERSON LAW, PLLC

By: 

Jordan K. Merson
Attorney for Plaintiffs
150 East 58th Street 34th Floor
New York, New York 10155
(212) 603-9100

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORKIndex No.:
_____/19

JOHN DOE

Plaintiff,
-against -ATTORNEY
VERIFICATION

ARCHDIOCESE OF NEW YORK,

Defendant.
-----X

JORDAN K. MERSON, an attorney duly admitted to practice in the Courts of New York State, and a member of the firm MERSON LAW, PLLC., attorneys for the plaintiffs in the within action, hereby affirms under penalty of perjury:

That he has read the within complaint and knows the contents thereof, and that the same is true to his own knowledge, except as to the matters therein stated to be alleged upon information and belief, and that as to those matters he believes it to be true.

That the sources of his information and knowledge are investigations and records in the file.

That the reason this verification is made by affirmant and not by the plaintiff is that the plaintiff is not within the County where the attorney has his office.

Dated: New York, New York
August 14, 2019


JORDAN K. MERSON

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Year 2019

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

JOHN DOE,

Plaintiff(s),

- against -

ARCHDIOCESE OF NEW YORK,

Defendant(s),

SUMMONS AND VERIFIED COMPLAINT

Merson Law, PLLC.

Attorneys for Plaintiff(s)

Office and Post Office Address, Telephone
150 East 58th Street 34th Fl.
New York, New York 10155
(212) 603-9100

To: All Parties
